

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 CARLOS VARGAS,

Case No. 3:19-cv-00664-MMD-CBC

4 Plaintiff

ORDER

5 v.

6 KNIGHT, *et al.*,

7 Defendants
8

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections
11 (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has
12 filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1, 1-2).

13 Plaintiff’s application to proceed *in forma pauperis* is incomplete. Pursuant to 28
14 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to
15 proceed *in forma pauperis* and attach both an inmate account statement for the past six
16 months and a properly executed financial certificate. Plaintiff has not submitted a properly
17 executed financial certificate or an inmate account statement. (See ECF No. 1). As such,
18 the *in forma pauperis* application is denied without prejudice. The Court will retain
19 Plaintiff’s civil rights complaint (ECF Nos. 1-1, 1-2), but will not file it until the matter of the
20 payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the
21 deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the
22 full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in*
23 *forma pauperis* he must file a fully complete application to proceed *in forma pauperis* and
24 attach both an inmate account statement for the past six months and a properly executed
25 financial certificate.

26 **II. CONCLUSION**

27 For the foregoing reasons, IT IS ORDERED that Plaintiff’s application to proceed
28 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new and fully

1 complete application.

2 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the
3 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
4 document entitled information and instructions for filing an *in forma pauperis* application.

5 IT IS FURTHER ORDERED that within **forty-five (45) days** from the date of this
6 order, Plaintiff will either: (1) file a new and fully complete application to proceed *in forma*
7 *pauperis*, on the correct form with complete financial attachments, including both an
8 inmate account statement for the past six months and a properly executed financial
9 certificate, in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a
10 civil action (which includes the \$350 filing fee and the \$50 administrative fee).

11 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
12 dismissal of this action may result.

13 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
14 (ECF Nos. 1-1, 1-2) but will not file it at this time.

15 DATED: November 5, 2019.

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18 UNITED STATES MAGISTRATE JUDGE
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